



**IN THE CIRCUIT COURT OF TUSCALOOSA COUNTY, ALABAMA**

<b>CHARLES BEDIAKO,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 63-CV-2026-900089</b>
	)	
<b>NATIONAL COLLEGIATE ATHLETIC</b>	)	
<b>ASSOCIATION,</b>	)	
	)	
<b>Defendant.</b>	)	

**PLAINTIFF’S RESPONSE TO DEFENDANT’S MOTION FOR RECUSAL**

Plaintiff Charles Bediako (“Mr. Bediako”) submits his response to Defendant National Collegiate Athletic Association’s (“NCAA”) Motion for Recusal. As set forth below, Mr. Bediako does not oppose the NCAA’s Motion.

**INTRODUCTION**

Mr. Bediako filed this lawsuit to address inequities in the NCAA’s arbitrary and capricious application of its eligibility rules. It is beyond dispute that the NCAA interprets and applies its own rules in such a manner as to allow former professional athletes to compete in intercollegiate athletics. While this phenomenon is certainly not limited to college basketball, its effect is perhaps felt most acutely in that arena. By allowing other G League players and former professionals to participate in collegiate athletic contests but denying Mr. Bediako’s waiver request, the NCAA drew an entirely arbitrary and meritless line in the sand. Mr. Bediako seeks to right that wrong.

Mr. Bediako’s Complaint and this Court’s entry of a Temporary Restraining Order allowing him to compete for the University of Alabama basketball team set off a media firestorm. Unfortunately, media attention has not focused solely on the merits of Mr. Bediako’s claims. Much ink has been spilled decrying this Court’s—and his family’s—ties to the University. Nonetheless,

like the NCAA, Mr. Bediako has faith in the judicial process. Neither Mr. Bediako nor his counsel have any doubt that this Court would preside over the present matter with anything other than fairness and impartiality.

### ARGUMENT

Disqualification under the Alabama Canons of Judicial Ethics is determined based on a judge's or his family's relationship with a party to the lawsuit and/or their financial interest in the outcome of the lawsuit. *See generally* Canon 3(C), ALA. CANONS OF JUDICIAL ETHICS. Under the Canons, “[a] judge should disqualify himself in a proceeding in which his disqualification is required by law or his impartiality *might reasonably be questioned*. . . .” *Id.* at Canon 3(C)(1) (emphasis added). Yet, the University of Alabama is not a party to this lawsuit, and the NCAA rightly concedes that this Court has no financial relationship with Mr. Bediako.

Given those facts, the NCAA's Motion is premised on unflattering commentary from such astute and reasoned observers as Reddit community members “m5fer,” “WitOfTheIrish,” and “audirt,” among others. Surely, the NCAA does not seriously contend that these anonymous Reddit commenters are “‘person[s] of ordinary prudence in the judge's position knowing all the facts known to the judge. . . .’” *Ex parte Duncan*, 638 So. 2d 1332, 1334 (Ala. 1994) (quoting *Matter of Sheffield*, 465 So. 2d 350, 356 (Ala. 1984)). Likewise, whether this Court is subject to recusal cannot be based on a mere relationship to a non-party, public University.

The University of Alabama is the largest university in the State, and The University of Alabama School of Law is the State's only public law school. It is consistently ranked as one of the top public law schools in the country. Many of the judges in this State undoubtedly have ties to the University, as alumni, parents of students/alumni, current or former faculty members, season ticket holders, or even as donors to various academic and athletic programs. It cannot be the case

that any lawsuit that tangentially touches upon the University would result in the recusal of every judge who maintains any ties to the University. *See, e.g., Cuvin v. Cuvin*, 6 So. 3d 1165, 1170-71 (Ala. Civ. App. 2008) (finding that party moving for judge's recusal failed to meet his burden of proving bias or prejudice despite evidence that opposing counsel contributed to judge's election campaign and moving party's counsel opposed presiding judge in election).

Nonetheless, Mr. Bediako is cognizant of attempts by the media, and random online commentators, to portray this Court as biased. To be clear, Mr. Bediako fully expects to prevail in this litigation. The facts and law are on his side. But, whatever the ultimate outcome may be, whether in front of this Court or any other, someone, somewhere will allege impropriety in the result. That is not, and cannot, be the standard for judicial disqualification. Despite that, and despite having no concern regarding this Court's impartiality, Mr. Bediako does not oppose the NCAA's Motion for Recusal.

Respectfully Submitted,

*s/David W. Holt*

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David W. Holt

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**CERTIFICATE OF SERVICE**

On January 27, 2026, a copy of the foregoing was served on all counsel of record via electronic filing.

*s/David W. Holt* \_\_\_\_\_

David W. Holt